



**KIRK BIRTLES, CASSANDRA BIRTLES, JIM MARTIN, DOLORES MARTIN, ARON RADOSA, MARY RADOSA, CHUCK GOETSCHER, DAVID BRANDY, BRUCE GILBANK, JESSILYN GILBANK, MIKE MARTENSEN, and BENJAMIN DICKIE,** (hereinafter referred to as “Plaintiffs”) hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Final Judgment (Document 91) and the Sealed Memorandum Opinion and Order Regarding Motions for Summary Judgment (Document 90) signed by United States Magistrate Judge Don. D. Bush on October 7, 2009 and entered in the district court’s ECF system on October 8, 2009 in the above-referenced matter. On October 22, 2009 Plaintiffs’ filed their sealed Motion for Reconsideration and New Trial (Doc. 92). On December 22, 2009, Judge Bush denied Plaintiffs’ sealed Motion for Reconsideration and New Trial (Doc. 103).

Respectfully submitted,

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Michael Y. McCormick  
State Bar No. 13461030

/s/ (with authorization)

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on all counsel of record pursuant to the Federal Rules of Civil Procedure on this 20<sup>th</sup> day of January, 2010.

/s/

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Michael McCormick